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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,776	07/21/2003	Li-Ming Cheng	12,519	6112

7590 05/27/2004
William W. Haefliger
Suite 512
201 So. Lake Ave.
Pasadena, CA 91101

EXAMINER

PUROL, DAVID M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,776

Applicant(s)

CHENG ET AL.

Examiner

David M Purol

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07212003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07212003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3634

1. Applicant's election with traverse of Species III in Paper No. 04142004 is acknowledged. Inasmuch as the applicant has not addressed any rationale for the restriction requirement as having been in error the requirement is still deemed proper and is therefore made FINAL.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 50a.

The drawings are further objected to for figures 9 and 10 contain written descriptive matter.

A proposed drawing correction along with corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for the following:

Claim 1, line 8 "said bottom elongated member";

Claim 1, lines 9-10 "said top elongated support";

Claim 3, lines 2-3 "one of said members";

Claim 4, lines 1-2 "said at least one member";

Claim 5, lines 1-2 "each of the members";

Claim 6, lines 2-3 "the members";

Claim 7, line 2 "members" and line 3 "the members"

Claim 10, line 3 "said tensioning means";

Claim 13, line 8 "said bottom elongated member";

Claim 13, lines 9-10 "said top elongated support";

Claim 13, line 18 "said dual rotary members".

Claim 7, line 2 recites "associated with" which is an indefinite recitation for it is unclear as to any structural relationship with which the annular caps might have with the post and members.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


Claims 1-6,8,11,13,14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Toti '192. Toti '192 discloses the claimed invention including a secondary line 178 operatively connected 188,186 to primary lines and dual rotary members 26A,31A,41A exerting tensioning force on the secondary line. Note the other embodiments as disclosed by Toti '192 which further reads on the rejected claims.

Art Unit: 3634

5. Claims 7,9,10,12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Weaver, Berglind, Akerstrom, Biro et al, Martin et al, Ciuca et al, Chung et al.

7. Any inquiry concerning this communication should be directed to David M Purol at telephone number 703/308-2168.


David M Purol
Primary Examiner
Art Unit 3634

DMP
(703) 308-2168
May 19, 2004